

**FLASTER/GREENBERG P.C.**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JEWELLED CROSS COMPANY, INC., a  
Massachusetts corporation,

Plaintiff,

vs.

BUY-RITE DESIGNS, INC., a New Jersey  
corporation; DOLLAR GENERAL  
CORPORATION, a Tennessee corporation;  
DOLGENCORP, INC., a Delaware  
corporation,

Defendants.

Case No.

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

**JURY TRIAL DEMANDED**

Plaintiff, JEWELLED CROSS COMPANY, INC. ("Jeweled Cross" or "Plaintiff"), by and through its attorneys Flaster/Greenberg P.C., hereby files the within Complaint against Defendants BUY RITE DESIGNS, INC. ("Buy Rite"), DOLLAR GENERAL CORPORATION ("Dollar General") and DOLGENCORP, INC. ("Dolgencorp") (collectively, "Defendants"), and in support thereof avers as follows:

**PARTIES**

1. Plaintiff, Jeweled Cross, is a Massachusetts corporation with its corporate headquarters and principal place of business located at 117 South Washington Street, North Attleboro, Massachusetts 02761.

2. Defendant, Buy Rite Designs, Inc. ("Buy Rite"), is, upon information and belief, a New Jersey corporation with its headquarters and principal place of business located at 88 Vanderveer Road, Freehold, New Jersey 07728.

3. Defendant, Dollar General, is, upon information and belief, a Tennessee corporation with its headquarters and principal place of business located at 100 Mission Ridge, Goodlettsville, Tennessee 37072. Dollar General is the largest discount retailer in the United States by number of stores, with more than 8,000 stores located in 35 states, primarily in the southern, southwestern, midwestern and eastern United States, including 22 stores located in New Jersey.

4. Defendant, Dolgencorp, is, upon information and belief, a Delaware corporation with its headquarters and principal place of business located at 427 Beech Street, Scottsville, Kentucky 42164. Dolgencorp, a wholly-owned subsidiary of Dollar General, is the distributor of Dollar General merchandise, including the allegedly infringing merchandise at issue in this case.

### **JURISDICTION**

5. This Court has subject matter jurisdiction over the claims herein based upon copyright infringement pursuant to 17 U.S.C. Section 501 and 28 U.S.C. Sections 1331 and 1338(a) in that said claims arise under the laws of the United States. In addition, this Court has subject matter jurisdiction over all other claims pursuant to 28 U.S.C. Section 1332(a) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states and pursuant to 28 U.S.C. Section 1367(a) and the principles of supplemental jurisdiction.

### **VENUE**

6. Venue is proper in this District as to defendant Buy Rite because Buy Rite is incorporated and has its principal place of business in this District. Venue is proper in this District as to defendants Dollar General and Dolgencorp because they transact business in this

District and, upon information and belief, engaged in the infringing activities alleged in this complaint in this District.

**COUNT I**

(Copyright Infringement --  
"Collection of 37 Patron Saint Key Chains" --  
U.S. Copyright Registration No. VA-1-254-208)

7. Plaintiff hereby incorporates the paragraphs above as though the same were set forth more fully at length herein.

8. Founded in 1923, Jeweled Cross is a family-owned and operated domestic manufacturing company. Jeweled Cross makes and sells religious articles, including crucifixes, crosses, Patron Saint medals, religious jewelry, statues, rosaries and other inspirational and devotional gifts. Jeweled Cross sells its religious products through retail stores and through its Internet web site, [www.jeweledcross.com](http://www.jeweledcross.com).

9. Jeweled Cross is the sole owner of all rights, title, and interest in artistic works that consist of a series of 37 Patron Saint key chains (the "Works").

10. Jeweled Cross duly registered the Works with the U.S. Copyright Office.

11. On August 27, 2003, the U.S. Copyright Office issued to Jeweled Cross Certificate of Registration No. VA-1-254-208, entitled "Collection of 37 Patron Saint Key Chains". A copy of the Certificate of Registration is annexed hereto as Exhibit "A".

12. Defendants are making, selling, and offering for sale key chains that imitate, copy, and infringe upon the Works.

13. Plaintiff has not given its consent to, or otherwise permitted, Defendants to make, sell and offer for sale key chains that imitate, copy and infringe upon the Works.

14. Defendants continue to make, sell and offer for sale key chains that imitate and infringe upon the Works.

15. Plaintiff has demanded that Defendants cease and desist making, selling and offering for sale key chains that imitate and infringe upon the Works.

16. Despite Plaintiff's demands, Defendants have failed and refused to cease and desist making, selling and offering for sale key chains that imitate and infringe upon the Works.

17. Plaintiff has demanded that Defendants provide an accounting of all key chains that they have made, sold and offered for sale that infringe upon the Works.

18. Despite Plaintiff's demands, Defendants have failed and refused to provide a full accounting of all key chains that imitate and infringe upon the Works.

19. Defendants' acts as alleged above constitute infringement of Jeweled Cross's copyrights in the Works in violation of the Copyright Act, 17 U.S.C. Sections 101, et seq.

20. Defendants' infringement of the copyrights in the Works was, and continues to be, deliberate and willful and without regard to Plaintiff's proprietary rights.

21. Defendants' copyright infringement has caused, and will continue to cause, Plaintiff to suffer substantial injuries, loss, and damage to its proprietary and exclusive rights to, and copyrights in, the Works and, further, has damaged Plaintiff's business, reputation, and goodwill, diverted its trade, and caused a loss of profits, all in an amount not yet ascertained but to be proven at trial.

22. Defendants' copyright infringement, and the threat of continuing infringement, has caused, and will continue to cause, Plaintiff repeated and irreparable injury. It is difficult to ascertain the amount of money damages that would afford Plaintiff adequate relief at law for Defendants' continuing acts, and a multiplicity of judicial proceedings would be required to address the same. Accordingly, Plaintiff's remedy at law is not adequate to compensate it for the injuries threatened and inflicted by Defendants, and Defendants should be restrained and enjoined, both preliminarily and permanently, pursuant to the appropriate provisions of the Copyright Act, 17 U.S.C. Section 502.

**COUNT II**  
(Tortious Interference)

23. Plaintiff hereby incorporates the paragraphs above as though the same were set forth more fully at length herein.

24. Defendants are diverting business and customers from Plaintiff through the acts set forth above.

25. As a direct and proximate result of the acts and omissions of Defendants, Defendants are tortiously interfering with the business and business relationships of Jeweled Cross.

26. As a direct and proximate result of the acts and omissions of Defendants, Defendants have suffered, and continue to suffer, damages.

**COUNT III**  
(Misappropriation)

27. Plaintiff hereby incorporates the paragraphs above as though the same were set forth more fully at length herein.

28. Plaintiff has invested substantial time, effort and money in the Works.

29. Defendants have misappropriated the fruits of Plaintiff's investment in the Works, without the consent of Plaintiff.

30. As a direct and proximate result of Defendants' acts of misappropriation of the Works, Plaintiff has suffered, and continues to suffer, damages.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff, Jeweled Cross Company, Inc. prays this Honorable Court issue judgment in its favor and against Defendants, jointly and severally:

(1) for a preliminary and a permanent injunction prohibiting defendants from infringing plaintiff's Works;

(2) for a preliminary and a permanent injunction prohibiting defendants from making, offering for sale, or selling its infringing goods;

- (3) for an order impounding the infringing goods;
- (4) for a preliminary and a permanent injunction ordering defendants to deliver upon oath the infringing goods for destruction by plaintiff;
- (5) for an accounting, and disgorgement, of all profits earned by defendants on the sale of the infringing goods;
- (6) for an award of actual damages plus the defendants' profits pursuant to 17 U.S.C. §504(b);
- (7) for an award of statutory damages against the defendants pursuant to 17 U.S.C. §504(c);
- (8) for an award of enhanced statutory damages against the defendants in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for each separate work infringed, pursuant to 17 U.S.C. §504(c)(2), in view of the willful and deliberate nature of the infringement;
- (9) for an award of costs and attorneys' fees pursuant to 17 U.S.C. §505;
- (10) for an award of compensatory damages;
- (11) for an award of punitive damages; and,
- (12) for such other relief as the court deems just.

**FLASTER/GREENBERG P.C.**

DATED: April 15, 2008

By: /s/ Jeffrey A. Cohen, Esquire  
JEFFREY A. COHEN (JC7673)  
*Attorneys for Plaintiff, Jeweled Cross  
Company, Inc.*

**DEMAND FOR JURY TRIAL**

Plaintiff Jeweled Cross Company, Inc. hereby demands a trial by jury of all issues so triable.

**FLASTER/GREENBERG P.C.**

DATED: April 15, 2008

By: /s/ Jeffrey A. Cohen, Esquire  
JEFFREY A. COHEN (JC7673)  
*Attorneys for Plaintiff, Jeweled Cross  
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